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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YEN LU and JEFFREY Y. LIU

Appeal 2009-007170
Application 10/668,399
Technology Center 2100

Before LANCE LEONARD BARRY, ST. JOHN COURTENAY III, and
CAROLYN D. THOMAS, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-15 and 20-26. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The Appellants describe the invention at issue on appeal as "a method for creating a web page adapted to automatically reload selected frames of the web page in response to a trigger event." (Spec. ¶ 11.) More specifically,

[t]he method comprises defining a target frame for the web page to serve as a work area, associating an action with the trigger event, the action having the target frame as a target, and associating programmed logic with the action, the programmed logic being adapted to reload only the selected frames, regardless of a membership of the selected frames in framesets used to create the web page.
(*Id.*)

ILLUSTRATIVE CLAIM

1 . A method for creating a web page adapted to automatically reload selected frames of the web page in response to a trigger event, the method comprising:

defining, within the web page, a first frameset comprising a target frame to serve as a work area for performing programmed logic separate from a plurality of frames of the web page defined in a main frameset;

associating an action with the trigger event, the action having the target frame as a target; and

associating the programmed logic with the action, the programmed logic being adapted to specify the selected frames not including at least one frame to avoid reloading from among the plurality of frames of the main frameset and to reload only the selected frames within the web page, regardless of a membership of the selected frames in additional framesets used to create the web page.

REJECTION

Claims 1-15 and 20-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0036975 A1 ("Martin") and U.S. Patent Application Pub. No. 2002/0152239 A1 ("Bautista-Lloyd").

CLAIM GROUPING

Based on the Appellants' arguments, we will decide the appeal of claims 1-15 and 20-26 on the basis of claim 1 alone. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

The issue before us is whether the Examiner erred in finding that the combined teachings of Martin and Bautista-Lloyd would have suggested selecting some frames from among all of the frames of a web page and reloading only the selected frames, as required by representative claim 1.

FINDINGS OF FACT

Martin describes its invention as "a method for refreshing an on-going electronic auction, comprising the steps of: determining that an auction parameter has been changed; and automatically refreshing a copy of the auction at a browser of an auction participant." (¶ 6.)

Bautista-Lloyd describes its invention as "providing data updates to a page, wherein the page includes multiple regions of dynamic content that may be separately updated independently of each other." (¶ 7.)

ANALYSIS

The Appellants make the following argument.

Martin describes a frame with logic that checks whether data has changed on a server, and if it has changed, triggers reloading all the other frames in the web page and Bautista-Lloyd describes a server delivering updates to a browser for a particular frame, but neither of these references teaches programming logic triggered within a frame of a web page which determines only a selection of the remaining frames to reload within that web page and controls reloading of only the selected remaining frames.

(App. Br. 14.)

The question of obviousness is "based on underlying factual determinations including . . . what th[e] prior art teaches explicitly and inherently" *In re Zurko*, 258 F.3d 1379, 1383 (Fed. Cir. 2001) (citations omitted). "The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art." *In re Young*, 927 F.2d 588, 591 (Fed. Cir. 1991) (citing *In re Keller*, 642 F.2d 413, 425 (CCPA 1981)).

Here, we agree with the Examiner's following finding.

Martin discloses . . . logic is adapted to specify the selected frames among a plurality of frames of the web page, not including the target frame, and reload only the selected frames regardless of their membership in framesets used to create the web page (page 5, paragraph 0058–page 6, paragraph 0063 of Martin). In the case of the example show in Martin, the selected frames to reload are the remaining frames not including the hidden frame of the page.

(Ans. 7.) The Appellants confirm this interpretation by admitting that Martin "describes that if data at a server has changed, then the remaining frames of the page are reloaded." (Appeal Br. 13.)

The cited reference corroborates the finding by teaching that "a timer counts for the specified period of time (e.g. 30 seconds). At this point, [the invention] refreshes only the hidden updater frame [of a web page]." (Martin, ¶ 60.) A "calling Javascript function uses [a] value of updater [frame] to determine whether or not to reload the remainder of the page." (*id.* at ¶ 61.) " If [a] flag is TRUE, the updater queries the database, obtaining the most recent auction information. The updater then . . . refreshes the other page components with the new auction information." (*id.* at ¶ 62.)

We also agree with the Examiner's finding that "Bautista-Lloyd . . . teaches that in a system for updating web pages it would be advantageous to selectively update only the frames that need to be updated, thus excluding any frame in the visible frameset that does not need to be reloaded (page 1, paragraph 0007 of Bautista-Lloyd)." (Ans. 9.) The latter reference corroborates this finding by including the following explanation.

This technique optimizes network bandwidth and server load because only new updated data is transferred in response to a refresh request, instead of transferring the entire page content. Further, by minimizing the data transferred as part of a refresh update, the transfer time is optimized because the amount of data transferred is minimized, thereby reducing any delays in providing data updates to the page 8 in the browser. Yet further, the rendering operations by the browser 8 to update the page 10 frames 12a ... k with the update data is minimized because the browser 8 need only update those fields in the page for which update data is supplied. The browser 8 does not have to redraw the entire page contents in the page.

(Bautista-Lloyd , ¶ 42.)

In summary, Martin selects frames among a plurality of frames of a web page, excluding the target frame, and reloads only the selected frames. Bautista-Lloyd teaches advantages of reloading only the frames of a web page that have been changed. When the aforementioned teachings were combined, we agree with the Examiner that the combination would have suggested selecting some frames from among all the frames of a web page and reloading only the selected frames. Therefore, we conclude that the Examiner did not err in finding that the combined teachings of Martin and Bautista-Lloyd would have suggested selecting some frames from among all the of frames of a web page and reloading only the selected frames, as required by representative claim 1.

DECISION

We affirm the rejection of claim 1 and that of claims 2-15 and 20-26, which fall therewith.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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